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Attorneys for Permanent Receiver  
**ROBB EVANS & ASSOCIATES LLC**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

IVY CAPITAL, INC., etc., et al.,

Defendants, and

CHERRYTREE HOLDINGS, LLC,  
etc., et al.

Relief Defendants.

CASE NO. 2:11-cv-00283-JCM-GWF

**ORDER  
GRANTING MOTION FOR  
ORDER: (1) APPROVING FINAL  
REPORT AND ACCOUNTING;  
(2) APPROVING SETTLEMENT;  
(3) ALLOWING CLAIMS  
AND APPROVING PLAN FOR  
DISTRIBUTION OF  
RECEIVERSHIP ASSETS; (4)  
APPROVING RECEIVER'S AND  
COUNSELS' FEES AND  
EXPENSES FROM SEPTEMBER  
1, 2012 THROUGH CLOSING; (5)  
DISCHARGING RECEIVER; (6)  
RELIEVING RECEIVER OF ALL  
DUTIES AND LIABILITIES; (7)  
EXONERATING RECEIVER'S  
BOND; (8) AUTHORIZING  
ABANDONMENT AND  
DESTRUCTION OF RECORDS  
AND RELATED RELIEF; AND (9)  
GRANTING RELIEF  
PERTAINING TO NOTICE TO  
CREDITORS**

IT IS ORDERED as follows:

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1 allowed in the amounts set forth on exhibit 2 to the declaration of Brick Kane filed  
2 in support of the motion;

3       3. The Receiver is authorized to distribute the remaining assets of the  
4 receivership estate, after payment of all receivership administrative expenses,  
5 including all outstanding receiver's fees and expenses and receiver's attorneys' fees  
6 and expenses, any other unpaid administrative expenses of the estate and  
7 satisfaction of the tax claims set forth on exhibit 2 to the declaration of Brick Kane  
8 filed in support of the motion (the "net receivership assets"), *pro rata* as to the  
9 allowed non-consumer creditor claims, and the consumer claims, with the receiver  
10 to make *pro rata* distribution payments to the holders of the allowed non-consumer  
11 creditor claims and with the receiver to turn over to the Federal Trade Commission  
12 ("FTC") an amount representing the *pro rata* portion of the net receivership assets  
13 attributable to the consumer claims and the FTC to be responsible for  
14 administration of any consumer distributions or redress; provided, however, that  
15 claims of non-consumer creditors in an amount of less than \$312.00 shall not be  
16 paid a distribution, as reflected in exhibit 2 to the declaration of Brick Kane filed in  
17 support of the motion;

18       4. All actions and activities taken by or on behalf of the receiver and all  
19 payments made by the receiver in connection with the administration of the  
20 receivership estate are hereby approved and confirmed;

21       5. All receivership administrative expenses incurred in this receivership  
22 proceeding, including the receiver's fees and expenses and those of its professionals  
23 incurred in connection with the receivership proceeding, including those previously  
24 paid to the receiver and its counsel, are hereby approved, and all administrative  
25 expenses and receiver's and professionals' fees and expenses incurred during the  
26 period from September 1, 2012 through the closing of the receivership estate and  
27 the discharge of the receiver ("final expense period"), described and estimated in  
28

1 the final accounting, are hereby approved and authorized to be paid from assets of  
2 the receivership estate;

3 6. The receiver is authorized to abandon and destroy the records of the  
4 receivership defendants and any other corporations or businesses under the control  
5 of any of the receivership defendants in the possession, custody or control of the  
6 receiver if, within 30 days after service of written notice to the FTC, the receiver  
7 has not been served with a written request by the FTC for possession of the records  
8 or a subpoena by a law enforcement agency for the records, and if during such 30-  
9 day period, the receiver is served with a written request for the records by the FTC  
10 or subpoena by a law enforcement agency for the records, authorizing the receiver  
11 to turn over the original records to the FTC or a law enforcement agency in  
12 response to the request or subpoena, and any assets not administered by the receiver  
13 as of the closing of the receivership estate are deemed abandoned;

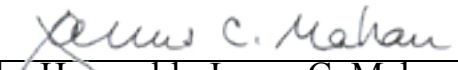
14 7. Effective upon the completion of the receiver's wind up of the estate,  
15 payment of administrative expenses and final distribution of funds as provided  
16 herein, that the receiver, its agents, employees, members, officers, independent  
17 contractors, attorneys and representatives are: (a) discharged; (b) released from all  
18 claims and liabilities arising out of and/or pertaining to the receivership herein; and  
19 (c) relieved of all duties and responsibilities pertaining to the receivership  
20 previously established in this action;

21 8. The receiver's bond shall be exonerated effective upon the completion  
22 of the receiver's wind up of the estate, payment of administrative expenses and  
23 final distribution of funds as provided herein;

24 9. Notice of the motion is deemed to be sufficient under Local Civil Rule  
25 66-5 and under the provisions of the final judgments entered by the court against  
26 the defendants in this action based on (a) service of the notice of the filing of this  
27 motion, the motion and all supporting pleadings and papers on all parties, and (b)  
28

1 service of the notice of the filing of the motion on all known taxing authorities with  
2 claims and non-consumer creditors of the estate concurrent with the filing of this  
3 motion with the court  
4

5  
6 DATED: December 10, 2013.

  
The Honorable James C. Mahan  
United States District Court Judge